

Arizona Supreme Court
Civil Certification of Question

CV-16-0162-CQ

EQUITY INCOME PARTNERS/GALILEO v CHICAGO TITLE

Appellate Case Information

Case Filed: 18-Jul-2016
Case Closed:

Dept/Composition

En Banc

Hon. Scott Bales
Hon. John Pelander
Hon. Robert M. Brutinel
Hon. Clint Bolick
Hon. Janet E Barton

Side 1. EQUITY INCOME PARTNERS, LP, an Arizona Limited Partnership; GALILEO CAPITAL PARTNERS LIMITED, a Cayman Islands Exempted Company, Plaintiff/Appellant

(Litigant Group) EQUITY INCOME PARTNERS, LP, an Arizona Limited Partnership; GALILEO CAPITAL PARTNERS LIMITED, a Cayman Islands Exempted Company

- Equity Income Partners LP
- Galileo Capital Partners, LTD

Attorneys for: Plaintiffs/Appellants

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)
Tyler Q Swensen, Esq. (AZ Bar No. 15322)

Side 2. CHICAGO TITLE INSURANCE COMPANY, a Delaware Corporation, Defendant/Appellee

(Litigant Group) CHICAGO TITLE INSURANCE COMPANY, a Delaware Corporation

- Chicago Title Insurance Company

Attorneys for: Defendants/Appellees

Daniel E Fredenberg, Esq. (AZ Bar No. 20158)
Patrick J Davis, Esq. (AZ Bar No. 13808)
Nathaniel B Rose, Esq. (AZ Bar No. 14628)

Side 3. LAND TITLE ASSOCIATION OF ARIZONA, Amicus Curiae

(Litigant Group) LAND TITLE ASSOCIATION OF ARIZONA

- Land Title Association of Arizona

Attorneys for: Amicus Curiae

Ari Ramras, Esq. (AZ Bar No. 18887)

CASE STATUS

Sep 13, 2016....Submitted

Sep 13, 2016....At Issue

Jul 18, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
AZFDC 2:11-cv-01614-SMM			Stephen M McNamee, Trial		
FCA 14-15388			Andrew D. Hurwitz, Authoring Judge of Order Andrew J Kleinfeld, Authoring Judge of Order Johnnie B Rawlinson, Authoring Judge of Order		

22 PROCEEDING ENTRIES

- 18-Jul-2016 FILED: Order Certifying Questions to the Arizona Supreme Court (Hon. Andrew J. Kleinfeld/Hon. Johnnie B. Rawlinson/Hon. Andrew D. Hurwitz, United States Court of Appeals for the Ninth Circuit) (Presiding Judge unavailable for signature on 7/18/2016. Signature copy rec'd on 7/22/2016)
- 18-Jul-2016 FILED: Record from the United States Court of Appeals for the Ninth Circuit: General Docket
- 22-Jul-2016 FILED: Record from the United States Court of Appeals for the Ninth Circuit: Appellants First Cross-Appeal Brief; Appellee's Principal and Response Brief; Appellant's Third Cross-Appeal Brief; Appellee's Reply Brief; Appellants Excerpts of Record Vols 1 - Vol 6; Appellee's Excerpt of Record Vols 1 - Vol 5;

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4. 1-Aug-2016 The following action was taken by the Supreme Court of the State of Arizona on August 1, 2016, in regard to the above-referenced cause:
- ORDERED: The Court accepts jurisdiction of the Certified Questions.
□
FURTHER ORDERED: The case shall be set for oral argument on September 13, 2016 at 10:25 a.m. Advocacy Instructions will be sent separately.
- FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Order, pursuant to Arizona Supreme Court Rule 27, addressing the three questions certified by the United States Court of Appeals for the Ninth Circuit.
- A filing fee of \$420.00 must be paid to the Arizona Supreme Court within 15 days. The payment of this filing fee shall be □ shared equally by the parties.
- Justice Timmer did not participate in the determination of this matter.
(Hon. Scott Bales)
5. 2-Aug-2016 NOTICE OF ORAL ARGUMENT: Set for Tuesday, September 13, 2016 at 10:25 A.M. [twenty minutes (20) per side]
6. 2-Aug-2016 Justice Ann A. Scott Timmer has recused herself and will not participate in argument or decision of the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution,
- IT IS ORDERED that the Honorable Janet E. Barton, Presiding Judge of the Maricopa County Superior Court, is designated to sit on the case and participate until the matter is finally determined. (Hon. Scott Bales)
7. 4-Aug-2016 FILED: Notice of Filing Acknowledgement of Oral Argument (Daniel E. Fredenberg will argue) (Appellee Chicago Title Insurance Company)
8. 8-Aug-2016 FILED: Notice of Filing Acknowledgement of Oral Argument (Dennis I. Wilenchik will argue) (Appellants Equity Income Partners/Galileo)
9. 17-Aug-2016 RECEIPT No.: ASC2016-00761 ; \$210.00, Check Number: 29292, Applied to: EQUITY INCOME PARTNERS, LP, an Arizona Limited Par - Certified Question Fee (\$210.00) Paid for: EQUITY INCOME PARTNERS, LP, an Arizona Limited Partnership; GALILEO CAPITAL PARTNERS LIMITED, a Cayman Islands Exempted Company - By Wilenchik & Bartness PC
10. 18-Aug-2016 RECEIPT No.: ASC2016-00764 ; \$210.00, Check Number: 1206, Applied to: CHICAGO TITLE INSURANCE COMPANY, a Delaware Corpora - Certified Question Fee (\$210.00) Paid for: CHICAGO TITLE INSURANCE COMPANY, a Delaware Corporation - By Fredenberg Beams LLC
11. 19-Aug-2016 FILED: Chicago Title Insurance Company, Inc's Brief on Certified Questions of Law; Certificate of Service; Certificate of Compliance; Exhibits to Brief (Appellee Chicago Title Insurance Company)
12. 21-Aug-2016 FILED: Amicus Curiae Brief of Land Title Association of Arizona; Certificate of Service; Certificate of Compliance (Amicus Curiae Land Title Association of Arizona)
13. 21-Aug-2016 FILED: Motion for Leave to File Brief as Amicus Curiae (Amicus Curiae Land Title Association of Arizona)
14. 22-Aug-2016 A "Motion for Leave to File Brief as Amicus Curiae" (Amicus Curiae Land Title Association of Arizona) and the "Amicus Curiae Brief of Land Title Association of Arizona" were filed on August 21, 2016.
- IT IS ORDERED granting the motion. The brief shall be filed as of August 21, 2016.
- IT IS FURTHER ORDERED any response to the amicus brief must be filed by September 6, 2016. (Hon. Scott Bales)
15. 22-Aug-2016 FILED: Brief of Equity Income Partners LP and Galileo Capital Partners, Ltd. on Certified Questions of Law; Certificate of Service; Certificate of Compliance (Appellants Equity Income Partners LP/Galileo)
16. 23-Aug-2016 FILED: Chicago Title Insurance Company, Inc's Brief on Certified Questions of Law (with Notice of Filing Table of Authorities); Certificate of Service; Exhibits (Appellee Chicago Title Insurance Company)
17. 23-Aug-2016 FILED: Notice of Errata (counsel inadvertently filed notice of authorities with an error on page 1); Certificate of Service; Chicago Title Insurance Company, Inc's Brief on Certified Questions of Law; Exhibits to Brief (Appellee Chicago Title Insurance Company)

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| 18. | 26-Aug-2016 | FILED: Notice of Supplemental Authority in Support of Appellants Brief; Certificate of Service (Appellants Equity Income Partners/Galileo) |
| 19. | 6-Sep-2016 | FILED: Equity Income Partners and Galileo Capital Partners Response to Amicus Curiae Brief of Land Title Association of Arizona; Certificate of Service; Certificate of Compliance (Appellants Equity Income Partners/Galileo) |
| 20. | 13-Sep-2016 | ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Dennis I. Wilenchik; Daniel E. Fredenberg) |
| 21. | 15-Dec-2016 | FILED: Appellee's Notice of Supplemental Authority; Certificate of Service; Exhibit 1 (Appellee Chicago Title Insurance Company) |
| 22. | 19-Dec-2016 | FILED: Appellant's Response to Appellee's Notice of Supplemental Authority; Certificate of Service (Appellants Equity Income Partners/Galileo) |